

REMARKS

Claims 1-18 are pending. All pending claims are rejected in the final October 18, 2010, Office Action. According to the Office Action, claims 1-5, 8 and 18 are rejected under 35 U.S.C.103(a) as allegedly being unpatentable over Mizuta (US 2003/0064758) in view of US 2002/0042287 to Asami (“Asami”)in view of JP 2000-316040 to Masato (“Masato”), and further in view of US 2004/0204194 to Akai (“Akai”). The Office Action further provides that claims 9-10 and 13-14 are rejected under 35 U.S.C.103(a) as allegedly being unpatentable over Mizuta (US 2003/0064758) in view of Asami and further in view of Masato. Claims 6 and 7 stand rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Mizuta in view of Asami, in view of Masato in view of Akai, as applied to claim 3, and further in view of Kim (US 6,993,366). Claim 11 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Mizuta in view of Asami in view of Masato, as applied to claim 9, and further in view of Kim. Claim 12 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Mizuta in view of Asami in view of Masato in view of Kim as applied to Claim 11 and further in view of Masamura (US 6,819,939). Claim 15 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Mizuta in view of Asami in view of Masato, as applied to Claim 11, and further in view of Babasaki (US 2002/0198017). Claim 16 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Mizuta in view of Asami in view of Masato in view of Akai, as applied to Claim 1, and further in view of Kim (6,359,984). Claim 17 stands rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Mizuta in view of Asami in view of Masato, as applied to Claim 9, and further in view of Kim (6,359,984).

Notwithstanding the above description of the bases for rejecting the pending claims, in the pending final Office Action, the Examiner asserts a new ground of rejection of claim 1, namely,

Masato further teaches wherein in said first mode of operation said communication control section controls said first speaker to function as a receiver and disables said second speaker (Sections 0014, 0015, first speaker (8)), and in said second mode of operation, said communication control section controls one of said first and second speakers that is arranged in a position further from said microphone in the opened state to a function as a receiver and disables another one of said first and second speakers that is arranged in a position closer to said microphone in the opened state (Sections 0014, 0015, the second speaker (3) is enabled in the opened state and the first speaker (8) is disabled in the open state). Additionally, while it is true that Masato does not reach two speakers on the same housing at opposite ends, Asami, as detailed in the Office Action dated April 6, 2010, teaches this feature. The combination of Asami and Masato thus reads on the limitation in question.

The above description in the Office Action is incorrect on two grounds:

First, Masato is incorrectly applied against the claimed first and second speaker and the claimed first mode of operation and second mode of operation. As claimed, for example in claim 1, the first speaker is farthest from the microphone and the second speaker is located at one end of the housing and closer to the microphone in the closed state. The first mode is in the closed state and the second mode is in the opened state. Therefore, as applied to the claims, speaker 3 of Masato is the first claimed speaker and speaker 8 is the second claimed speaker. According to the claims, in the first mode of operation, in the closed state, the first speaker acts as a receiver and the second speaker is disabled. However, in Masato, the first speaker 3 is disabled and the second speaker 8, the one closest the microphone 9, acts as a receiver. Thus, Masato does not disclose the claimed invention. This distinction is illustrated below in the table comparing the On/Off states of the first and second speakers for an embodiment shown in Fig. 3

of Applicant's specification against the On/Off states of the speakers for the embodiment shown in Masato as applied by the Examiner against claim 1.

Claim 1 (See, e.g. Figs. 1 and 3)	Masato
The first speaker 13b: ON (the first speaker is arranged further from the microphone in the closed state)	The normal speaker 3 (first speaker): OFF (the speaker 3 is arranged further from the microphone 9 in the closed state)
The second speaker 13a: OFF (the second speaker is arranged closer to the microphone in the closed state)	The speaker 8 for hands-free (second speaker): ON (the speaker 8 is arranged closer to the microphone 9 in the closed state)

Accordingly, claims 1, 18 and their dependent claims are allowable over the combination of Masato and Asami.

Second, the Office Action misinterprets Asami. Asami discloses a two speaker system on a single-body mobile telephone where only one of the two speakers can operate as a receiver. Asami explains "The first speaker 4 selectively outputs **a received speech** or sound including a call incoming tone and music. The second speaker 5 **outputs only sound.**" Asami at [0015]. Asami further explains "[t]he received speech amplifier 27 and sound amplifier 39 is connected to the second speaker 5 while the sound amplifier 39 [**not the received speech amplifier**] is connected t speaker 5. Asami at [0019]. In other words, only speaker 4 can act as a receiver in Asami. In contrast, the pending claims require either speaker of the first and second speaker to act as a receiver and further require those two speakers located on one housing of a two housing device. Thus, all pending claims are easily distinguishable over Asami.

For the foregoing reasons, and for the reasons articulated in Applicant's prior response, which is incorporated herein, Applicant respectfully submits claims 1-18 are now allowable over the cited prior art. Payment of the appropriate fees, if any, and/or granting of the

appropriate extension is requested, and the Commissioner is directed to debit our deposit account, Account No. 50-0675, Order No. 848075/0060, for the amounts required.

Respectfully submitted,

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